

MAY 01 2020

CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

1 case basis, depending on the best interests of the child. In assessing visitation, the social
2 worker was to consider the health and safety of the child, the resource family, and the parent,
3 and ensure any alternative visitation plan complied with social distancing directives of the
4 Mendocino County Public Health Officer.

5 On April 4, 2020, in response to the ongoing public health crisis currently affecting our
6 local, state, national, and international communities, the Judicial Council of California adopted
7 into the California Rules of Court: Appendix I – Emergency Rules of Court Related to COVID-
8 19. Pursuant to Emergency Rules of Court Related to COVID-19, Rule 6(c)(7), as well as its
9 authority under California Welfare and Institutions Code sections 202, 300.2, and 362, the
10 Court hereby makes the following Implementation Order regarding children who are
11 subject to the jurisdiction of the Juvenile Court and who are in out-of-home placement,
12 effective immediately:

13 (1) During the state of emergency related to the COVID-19 pandemic, previously
14 authorized visitation must continue, but FCS is to determine the manner of visitation to
15 ensure that the needs of the family are met. All changes in manner of visitation during
16 this time period must be made on a case by case basis, balancing the public health
17 directives and best interest of the child, and take into consideration whether in-person
18 visitation may continue to be held safely. FCS will provide reasonable notice to parents
19 of all changes in visitation.

20 a. FCS is authorized to substitute computer/cell phone assisted video conferencing
21 and/or telephonic contact in place of court ordered in-person visitation on a case
22 by case basis when the social worker balances the public health directives with
23 the best interest of the child. FCS is also authorized to delegate the supervision
24 of any such computer/cell phone assisted video conferencing and/or phone
25 contact to a dependent's caregiver or other available responsible adult whenever
26 possible, given the drain on resources caused by this health emergency. Where
27 the child is in a confidential placement, FCS will arrange three-way video
28 conferencing or telephone calls that protect the confidentiality of both caregiver
and parent. When appropriate, social workers will authorize increased

1 telephone and video contacts to parents and children. The frequency of this
2 contact will be at least as often as court ordered visitation was ordered. FCS has
3 authority to modify the length of such visits, consistent with the developmental
4 limitations of the child. If visits are so decreased in length, FCS will endeavor
5 to increase the frequency of such visits.

- 6 b. Consistent with the well-being of the youth, the social worker will authorize
7 increased digital and social media communication between age-appropriate
8 children and parents, when the children and parents already have access to such
9 mediums.
- 10 c. FCS continues to have discretion to facilitate in-person visitation on a case by
11 case basis. In assessing in person visitation, the social worker shall consider the
12 health and safety of the child, the resource family, and the parent, and any
13 visitation plan shall comply with social distancing directives of the Mendocino
14 County Public Health Officer. The caregiver, parent and child shall follow
15 Center for Disease Control recommendations around hygiene practices,
16 including washing hands before and after visits. FCS staff supervising the visit
17 will assess if any participant displays symptoms, and if so, the visit will be
18 cancelled. If a previously scheduled in-person visit must be cancelled due to
19 possible COVID-19 symptoms, then the family shall work with FCS to make up
20 that visit through computer/cell phone assisted video conferencing and/or
21 telephonic contact. FCS will also assess family members recommended by
22 parents and children for possible supervision of visitation.
- 23 d. FCS has discretion to allow qualified caregiver's to supervise visitation where
24 the social worker assesses that a caregiver and a parent are able to safely,
25 willingly, and appropriately coordinate visitation, and where social distancing
26 can be accomplished. The caregiver, parent and child shall follow Center for
27 Disease Control recommendations around hygiene practices, including washing
28 hands before and after visits. The caregiver will assess if any participant
displays symptoms, and if so, the visit will be cancelled. If a previously
scheduled in-person visit must be cancelled due to possible COVID-19

1 symptoms, then the family shall work with FCS to make up that visit through
2 computer/cell phone assisted video conferencing and/or telephonic contact.

- 3 e. FCS will work with caregivers to provide parents with photographs and/or
4 videos of the children a minimum of once per week. For the children in
5 confidential placement those photographs and videos will be sent to the social
6 worker who in turn will forward to the parents.

7
8 (2) If FCS changes the manner of visitation for a child and a parent or legal guardian in
9 reunification, or for the child and a sibling(s), or a hearing is pending under Welfare
10 and Institutions Code section 366.26, FCS must notify the attorneys for the children and
11 parents within 5 court days of the change.

- 12 a. On March 23, 2020, this Court granted a temporary standing order suspending
13 in-person visitation between foster children and their relatives, allowing social
14 workers to substitute in-person visitation with computer/cell phone assisted
15 video conferencing and/or telephonic contact after notice to all stakeholders in
16 Mendocino County's Dependency Court, including minor's and parent's
17 counsel, local ICWA representatives and CASA advocates. No party objected
18 to that standing order.
- 19 b. Based on the previous standing order, FCS is deemed to have served notice on
20 attorneys for parties of visitation modifications to visitation through the date of
21 imposition of this Order.
- 22 c. For any modification to visitation subsequent to the date of this order, FCS shall
23 notify parents and children's counsel, the ICWA representative for an Indian
24 Child's tribe, and a child's appointed CASA, within 5 court days of said
25 modification.

26 (3) The attorney for the child or parent, ICWA representative for an Indian Child's tribe, or
27 child's CASA, may ask the juvenile court to review the change in manner of visitation.

- 28 a. A request for the court to review the change in visitation during this time period
must be made within 14 court days of the change.

- 1 b. The party asking for the change in manner of visitation to be reviewed has the
2 burden of showing that the change is not in the best interest of the child or is not
3 based on current public health directives.
- 4 c. In reviewing the change in visitation, this Court will balance the public health
5 directives and best interest of the child, and take into consideration whether in-
6 person visitation may continue to be held safely, keeping in mind that family
7 time is important for child and parent well-being, as well as for efforts toward
8 reunification and that family time is especially important during times of crisis.
- 9 d. For modifications of visitation made prior to the implementation of this order,
10 an attorney for a parent or child will have 14 days from the date of this order to
11 request the juvenile court review modifications to the manner of visitation.
- 12 (4) Family time is important for child and parent well-being, as well as for efforts toward
13 reunification. Family time is especially important during times of crisis. Visitation may
14 only be suspended if a detriment finding is made in a particular case based on the facts
15 unique to that case. A detriment finding must not be based solely on the existence of
16 the impact of the state of emergency related to the COVID-19 pandemic or related
17 public health directives.
- 18 (5) This Order does not prohibit FCS, in appropriate cases when all parties agree, from
19 authorizing an extended home visit (where a child removed from the home of their
20 parent is allowed to live with the parent(s) under the expectation that a plan of Family
21 Maintenance would be ordered by the court once the “shelter in place” order is lifted)
22 despite the lack of a pending court date. If all parties agree, a signed stipulation or a
23 388 will be submitted to the Court for approval.
- 24 (6) For cases in which a child is in out-of-home care pending a jurisdiction or disposition
25 hearing and in which the Court did not explicitly grant social worker discretion to
26 return the child home pending jurisdiction or disposition, where all parties agree to a
27 return, counsel shall contact the Court via email to determine if a return to a parent
28 return.


1 pending the jurisdiction or disposition hearing is authorized.

2 This Order is effective ^{announced to April 24, 2020} immediately and shall remain in effect until the Governor

3 declares that the state of emergency related to the COVID-19 pandemic is lifted or until it is
4 either amended or repealed by further order of this court.
5
6

7 IT IS SO ORDERED.
8

9
10 Dated: 4/29/20


11 Ann C. Moorman
12 Presiding Juvenile Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28